

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 KENT WARD, No C 09-4565 VRW  
11 Plaintiff, ORDER  
12 v  
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14 EQUILON ENTERPRISES LLC and SHELL  
15 OIL PRODUCTS COMPANY LLC,  
16 Defendant.

17 \_\_\_\_\_ /  
18 Defendants removed this action from Contra Costa County  
19 superior court on September 28, 2009, alleging the court had  
20 diversity jurisdiction pursuant to 28 USC § 1332. Doc #1. On  
21 January 8, 2010, the court ordered defendants to show cause why the  
22 case should not be remanded, as defendants had not shown by a  
23 preponderance of the evidence that the amount in controversy  
24 requirement was satisfied. Doc #17.

25 Defendants' response to the order asserts that at the  
26 time of removal the amount in controversy exceeded one million  
27 dollars. Doc #18 at 3. In support, defendants cite to the  
28 declaration of Jeff Bullen, the Risk & Insurance Advisor for  
defendant Shell Oil Company. Doc #19. The Bullen declaration

1 states "the amount of worker's compensation insurance benefits that  
2 Zurich had paid to Mr Ward as of [September 2, 2009] \* \* \* totaled  
3 \$1,003,257 in benefits (lost wages, medical bills, and the like)  
4 plus an additional \$160,991 in expenses." Id at ¶ 5. Plaintiff's  
5 complaint seeks, among other things, medical expenses and lost  
6 wages. Doc #1 at 8. It is thus fair to conclude that \$1,003,257  
7 Zurich has paid to Mr Ward to cover "lost wages, medical bills, and  
8 the like" represents at least a portion of the amount in  
9 controversy.

10 Defendants' response is sufficient for the court to  
11 conclude by a preponderance of the evidence that the amount in  
12 controversy exceeds \$75,000. Accordingly, pursuant to 28 USC §  
13 1332, the court will exercise jurisdiction over the case and the  
14 order to show cause, Doc #17, is DISCHARGED.

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16 IT IS SO ORDERED.

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20 VAUGHN R WALKER  
United States District Chief Judge

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